



CLERK, U.S. BANKRUPTCY COURT NORTHERN DISTRICT OF TEXAS

### **ENTERED**

THE DATE OF ENTRY IS ON THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed December 8, 2016

United States Bankruptcy Judge

### IN THE UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

IN RE:	§	
	§	CASE NO.16-33714
	§	
BULLMOOSE MOTOR SPORTS, LLC	§	ugay u yaran susuni cu u a
	§	CHAPTER 7
DEBTOR	§	
	§	

# AGREED ORDER GRANTING RELIEF FROM AUTOMATIC STAY AS TO WESTLAKE FLOORING COMPANY, LLC

BEFORE ME came to be heard the Motion (the "Motion") of secured creditor, Westlake Flooring Company, LLC ("WFC") seeking an Order pursuant to 11 U.S.C. § 362(d)(1) and/or § 362(d)(2) lifting the automatic stay in the above-captioned Chapter 7 proceeding of the debtor, Bullmoose Motor Sports, LLC (the "Debtor") with respect to the forty-two (42) vehicles (collectively, the "Westlake Vehicles") identified by year, make, model, and VIN attached hereto as Exhibit "A" as well as chattel paper constituting retail installment contracts and proceeds thereof (the "Westlake Chattel Paper") related to certain Westlake-financed vehicles identified on WFC's

Receivable Detail Report, attached hereto as Exhibit "B."

After reviewing the Motion and the supporting Exhibits annexed thereto, and noting that counsel for Debtor is in agreement with the relief sought in this Agreed Order, the Chapter 7 Trustee has not filed any objection to WFC's Motion, and Dallas County's objection [Doc. # 48] has been resolved per the terms of this agreed order, the Court is of the opinion that the Motion should be GRANTED.

Stay shall be lifted with respect to the Westlake Vehicles such that WFC may proceed under applicable non-bankruptcy law to pursue its state law remedies against the WFC Vehicles including, but not limited to 1) repossession of all WFC Vehicles subject to WFC's security interest or any proceeds of the Westlake Vehicles, subject to the Chapter 7 Trustee's rights to investigate the extent, validity, and priority of WFC's asserted lien; 2) Debtor's books and records associated with the Westlake Vehicles and sales thereof, subject to the Chapter 7 Trustee's rights to investigate the extent, validity, and priority of WFC's asserted lien, and further provided that WFC will provide copies of the above-referenced Debtor's books and records upon receipt of a request from the Chapter 7 Trustee at no cost to the bankruptcy estate; and 3) contacting finance companies and alleged buyers of the Westlake Vehicles to investigate transfers of the Westlake Vehicles.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the automatic stay is lifted such that WFC may proceed to foreclose upon, liquidate, and dispose of the Westlake Vehicles in accordance with State Law, and WFC shall provide an accounting to the Chapter 7 Trustee disclosing the total amount received by WFC from the net auction(s) proceeds arising from the sale of such recovered Westlake Vehicles.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that WFC is authorized to collect any and all accounts receivable, or other payment on collateral, due to WFC pursuant to the liens, security interests and other encumbrances attached to the Westlake Vehicles or otherwise

associated with the Westlake Chattel Paper (the "Receivables").

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any and all Receivables collected by the Chapter 7 Trustee or Debtor, at any time whatsoever, shall be immediately forwarded to WFC. Upon requested by the Chapter 7 Trustee, WFC shall provide an accounting to the Chapter 7 Trustee disclosing the amounts received, date received and source of payments.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that WFC shall tender from the sales proceeds of the sale of the Westlake Vehicles the sum of \$6,926.19 to Dallas County in satisfaction of Dallas County, City of Carrollton, Dallas County Community College District, Parkland Hospital District, and Dallas County School Equalization Fund's personal property tax liens on the Westlake Vehicles on or before January 31, 2017.

ORDERED, ADJUDGED AND DECREED that the provisions of Federal Rule of Bankruptcy Procedure 4001(a)(3) are waived and the Order shall be in full force and effect upon the signature of the Court.

###END OF ORDER###

#### AGREED IN FORM AND SUBSTANCE

Padfield & Stout, LLP

421 W. Third Street, Suite 910

Fort Worth, Texas 76102 Phone: 817-338-1616

Fax: 817-338-1610

Alan B. Padfield

State Bar I.D. # 00784712

abp@livepad.com

Christopher V. Arisco

State Bar I.D. # 24064830 carisco@livepad.com

Attorneys for WFC

Linebarger Goggan Blair & Sampson, LLP 2777 N. Stemmons Freeway, Suite 1000

Dallas, Texas 75207 Phone: 214-880-0089 Fax: 469-221-5003

Sherrel K. Knighton

State Bar I.D. # 00796900

Attorney for Dallas County

Year	Make	Model	Vin	
2009	Ford	F150	B24567	
2007	Toyota	Tundra	462163	
2012	Toyota	Tundra	259737	
2014	GMC	Sierra 2500	190870	
2006	Chevrolet	Corvette	127749	
2013	Chevrolet	Suburban	247661	
2011	Chevrolet	Silverado 1500	337390	
2013	Ford	F150	E62091	
2005	Dodge	Ram 1500	355724	
2013	Toyota	FJ Cruiser	168088	
2008	GMC	Sierra 1500	111688	
2012	Chevrolet	Silverado 2500	171593	
2010	Ford	F150	C03502	
2009	Toyota	Tacoma	083624	
2004	Chevrolet	Silverado 3500	266579	
2009	Toyota	Highlander	085928	
2012	Toyota	Tacoma	028221	
2009	Chevrolet	Silverado 1500	160499	
2011	Honda	Element	001480	
2012	Cadillac	Escalade	219873	
2008	GMC	Yukon	205279	
2011	GMC	Acadia	344684	
2010	Chevrolet	Silverado 1500	296644	
2005	GMC	Sierra 2500	292386	
2008	GMC	Yukon	136768	
2011	GMC	Sierra 2500	144546	
2007	Land Rover	Range Rover	253051	
2012	Ram	1500	201307	
2014	Ford	Expedition EL	F47859	
2011	Ram	1500	506928	
2005	Ford	F350SD	B23300	
2011	Cadillac	Escalade	126700	
2011	Mercedes-Benz	2500 Sprinter Van	572939	
2010	Ford	Fusion	384992	
2011	Ford	F350SD	B69231	
2011	FORD	F550	B87763	
2008	FORD	F550	B45650	
2010	Volvo	XC90	563354	
2012	Ram	4500	187625	
2010	Toyota	Tundra	095413	
2012	Ford	F150	D29467	
2006	Ford	F150	A90690	

## 100352289 JAMES MAVERICK inventory as of 09/23/2016

VIN	Year	Make	Model	Funded Amount	Balance	Interest & Fees	Black Book
WD4PE7CC2B5572939	2011	Mercedes-Benz	2500 Sprinter Vans	\$30,575.00	\$27,517.50	\$545.00	\$29,750.00
1GTHC29U65E292386	2005	GMC	Sierra 2500	\$11,887.32	\$11,887.32	\$540.00	\$9,650.00
1GCJK33254F266579	2004	Chevrolet	Silverado 3500	\$18,775.00	\$17,836.25	\$580.00	\$9,200.00
3TMJU62N29M083624	2009	Toyota	Tacoma	\$14,720.00	\$14,720.00	\$580.00	\$15,575.00
JTEBU4BF6DK168088	2013	Toyota	FJ Cruiser	\$28,390.00	\$26,970.50	\$830.00	\$27,725.00
1FTPX02546KA90690	2006	Ford	F150	\$10,570.00	\$2,696.00	\$400.00	\$7,000.00
1FTWW31P05EB23300	2005	Ford	F350SD	\$22,195.00	\$21,085.25	\$580.00	\$16,775.00
2GTEC190681111688	2008	GMC	Sierra 1500	\$14,609.18	\$14,609.18	\$645.61	\$13,100.00
3C7WDLFL1CG187625	2012	Ram	4500	\$27,000.00	\$24,300.00	\$400.00	\$34,925.00
SALMF13467A253051	2007	Land Rover	Range Rover	\$18,183.47	\$18,183.47	\$580.00	\$14,450.00
1G1YY26E265127749	2006	Chevrolet	Corvette	\$33,270.00	\$33,270.00	\$775.00	\$27,700.00
1FD0W5HT3BEB87763	2011	FORD	F550	\$24,000.00	\$21,600.00	\$755.00	\$0.00
1GKEC63828J205279	2008	GMC	Yukon	\$17,440.54	\$17,440.54	\$540.00	\$15,200.00
3GCEC23J69G160499	2009	Chevrolet	Silverado 1500	\$20,610.00	\$19,579.50	\$580.00	\$16,825.00
1GC1KXC83CF171593	2012	Chevrolet	Silverado 2500	\$33,490.00	\$30,141.00	\$472.72	\$28,800.00
3GCRKSE31AG296644	2010	Chevrolet	Silverado 1500	\$14,972.14	\$14,972.14	\$540.00	\$14,350.00
YV4982CT6A1563354	2010	Volvo	XC90	\$15,500.00	\$13,950.00	\$465.00	\$14,450.00
3C6UD5PL8CG335534	2012	Ram	2500	\$39,800.00	\$39,800.00	\$1,501.72	\$36,150.00
1GYS4CEF3BR126700	2011	Cadillac	Escalade	\$31,985.00	\$28,786.50	\$465.00	\$31,350.00
5TBEV54127\$462163	2007	Toyota	Tundra	\$14,930.00	\$14,183.50	\$833.46	\$14,075.00
1FD8W3HT2BEB69231	2011	Ford	F350SD	\$20,000.00	\$18,000.00	\$931.75	\$32,900.00
5TFFY5F12AX095413	2010	Toyota	Tundra	\$23,690.00	\$21,321.00	\$505.00	\$21,875.00
1FTFW1CT4DKE62091	2013	Ford	F150	\$25,930.00	\$24,633.50	\$656.43	\$21,475.00
1D7HA18D85S355724	2005	Dodge	Ram 1500	\$10,620.00	\$10,089.00	\$921.37	\$5,875.00
3FADP0L38AR384992	2010	Ford	Fusion	\$9,015.00	\$8,113.50	\$755.00	\$7,875.00
1GKFK63818J136768	2008	GMC	Yukon	\$21,911.40	\$21,911.40	\$540.00	\$17,375.00
1GT125E84EF190870	2014	GMC	Sierra 2500	\$44,485.00	\$44,485.00	\$1,442.80	\$44,200.00
1FTFW1EF8CKD29467	2012	Ford	F150	\$23,495.00	\$21,145.50	\$755.00	\$14,425.00
3GCPKSE34BG337390	2011	Chevrolet	Silverado 1500	\$21,200.00	\$19,080.00	\$515.10	\$20,800.00
1D7RV1CT9BS506928	2011	Ram	1500	\$19,085.00	\$17,176.50	\$715.00	\$21,250.00
5J6YH1H71BL001480	2011	Honda	Element	\$12,781.14	\$12,781.14	\$540,00	\$12,700.00
5TFHW5F13CX259737	2012	Toyota	Tundra	\$34,980.00	\$33,231.00	\$1,086.85	\$32,750.00
3C6JD6DP7CG201307	2012	Ram	1500	\$8,437.07	\$8,437.07	\$580.00	\$8,550.00
1GT125C89BF144546	2011	GMC	Sierra 2500	\$29,461.34	\$29,461.34	\$730.00	\$28,675.00
JTEDS42A092085928	2009	Toyota	Highlander	\$15,415.00	\$14,644.25	\$963.97	\$15,075.00
1FDAW56R58EB45650	2008	FORD	F550	\$15,000.00	\$13,500.00	\$465.00	\$0.00
1GNSKKE79DR247661	2013	Chevrolet	Suburban	\$35,040.00	\$35,040.00	\$880.00	\$33,725.00
1FTPW14V99KB24567	2009	Ford	F150	\$17,385.00	\$16,515.75	\$825.01	\$12,900.00
1GKKRSEDXBJ344684	2011	GMC	Acadia	\$15,920.68	\$15,920.68	\$540.00	\$12,650.00
1FMJK1J58EEF47859	2014	Ford	Expedition EL	\$33,915.00	\$32,219.25	\$580.00	\$33,000.00
5TFJU4GN4CX028221	2014	Toyota	Tacoma	\$20,080.00	\$20,080.00	\$475.00	\$20,550.00
1GYS4BEF1CR219873	2012	Cadillac	Escalade	\$35,160.54	\$35,160.54	\$690.00	\$34,475.00
1FTFW1EV5AFC03502	2012	Ford	F150	\$17,785.00	\$16,895.75	\$640.00	\$18,050.00

Totals \$ 953,694.82 \$ 903,370.82 \$ 29,341.79 \$ 848,200.00

**EXHIBIT B**